

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-256-T - ORDER NO. 1999-862  
DECEMBER 8, 1999

IN RE: Application of Albert Kohler DBA Kohler Movers, Post Office Box 829, Johns Island, SC 29455, to Amend Class E Certificate of Public Convenience and Necessity No. 6087-B. ) ORDER GRANTING AMENDMENT TO CERTIFICATE

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Albert Kohler DBA Kohler Movers (Kohler or the Applicant), Post Office Box 829, Johns Island, SC 29455 to amend Class E Certificate of Public Convenience and Necessity No. 6087-B which now reads:

Household Goods, As Defined in R. 103-210(1):

From points in South Carolina with exception of the following Counties: Pickens, Oconee, Greenville, Spartanburg, Cherokee, Laurens, Anderson, Abbeville, Greenwood, McCormick, Newberry, Fairfield, Lancaster, Chesterfield, Marlboro, York, Chester, and Union, to all points and places in South Carolina.

This Certificate, when amended, would read as follows:

Household Goods, As Defined in R. 103-210(1):  
Between points and places in South Carolina.

Pursuant to the Commission Executive Director's instructions, the Applicant published a Notice of Filing in newspapers of general circulation in the areas of proposed service. The Applicant furnished affidavits to show that it had complied with the instructions of the Executive Director. No Petitions to Intervene or Protests were filed.

A hearing was held in the offices of the Commission on December 1, 1999 at 2:30 PM. The Honorable Philip T. Bradley, Chairman, presided. Present for the Applicant was Albert Kohler. Kohler presented his own testimony and that of Bill Whaley. F. David Butler, Esquire represented the Commission Staff at the proceeding. The Commission Staff presented no witnesses.

Kohler testified that he has had 15 years experience as a mover, and that he presently runs a growing business. Kohler has interstate authority, and already covers a 600 mile radius as a mover. He testified that he is now an agent for Stevens Van Lines, who has business for him on a state-wide intrastate basis. Kohler notes that he has 3 tractors and 8 trailers. Kohler further states that he has turned down five jobs from the Greenville area during the last year, because he did not have the authority to complete those jobs. Kohler testified that he met Commission insurance requirements, and had his equipment inspected for safety. Kohler noted that there were no judgments against his Company.

Bill Whaley, area Vice-President for Stevens World Van Lines, testified as a shipper witness. Whaley stated that Kohler had become an important part of Stevens' business in South Carolina as an agent of that Company. Whaley noted that Kohler had not been able to provide moves to several areas of the state upon request, because he did not have the needed authority from this Commission. Whaley further noted that the Burnham company was formerly its agent in South Carolina, and that Burnham handled a lot of state-wide moves for Stevens. Burnham, however, is no longer Stevens' agent.

### **FINDINGS AND CONCLUSIONS**

1. Albert Kohler dba Kohler Movers has a Class E Certificate of Public Convenience and Necessity to move household goods for compensation in South Carolina on a limited basis.
2. Kohler has requested that this Commission amend his Certificate to grant him statewide authority.
3. S.C. Code Ann. Section 58-23-590 (Supp. 1998) states that an Applicant must prove that it is fit, willing, and able to properly perform the proposed service, and that the proposed service, to the extent to be authorized by the certificate, is required by the present public convenience and necessity. Further, pursuant to our Regulation 103-133, the public convenience and necessity portion must be shown through the use of shipper witnesses.
4. Kohler has shown, through the evidence, that he is fit, willing, and able to properly perform services under a Certificate amended to allow statewide authority. We are convinced, through his testimony that he possesses the equipment, personnel, and training to perform statewide moves, and also meets all other applicable criteria for us to find him fit, willing, and able.
5. Kohler has also shown, through a shipper witness, that the proposed service, through the amended certificate is required by the present public convenience and necessity.

The testimony of Bill Whaley shows that there is clearly a demand for Kohler's services under a certificate amended to allow moves statewide. Clearly, there have been

demands for Kohler's services that he could meet, due to his limited certificate. Further, it is plain to us that Kohler is basically replacing another mover as agent for Stevens. Therefore, no authority in addition to that already present would be in existence if we grant Kohler's request for an amended certificate.

6. The request for an amended Certificate of Public Convenience and Necessity is granted as filed.

IT IS THEREFORE ORDERED:

1. That the Applicant's request for an amendment to his Certificate is granted as filed.

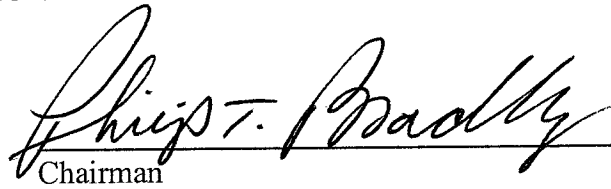
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a modified certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

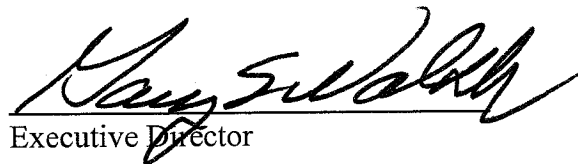
4. That prior to compliance with such requirements and receipt of such modified certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)